

RESOLUTION NO. \_\_\_\_\_

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS  
ANNEXING PROPERTIES TO CITY OF MILPITAS  
COMMUNITY FACILITIES DISTRICT NO. 2005-1

The City Council of the City of Milpitas DOES RESOLVE as follows:

WHEREAS, on May 17, 2005 the City Council created by resolution the City of Milpitas Community Facilities District No. 2005-1 to fund Public Services (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq.; and

WHEREAS, a Special Tax shall be levied on all Assessor's Parcels of Residential Property in City of Milpitas Community Facilities District No. 2005-1 (Public Services) ("CFD No. 2005-1"), and collected each Fiscal Year commencing in Fiscal Year 2005-06, in an amount determined by the Council through the application of the appropriate Special Tax, as described in the Attached Exhibit B to this resolution. All of the real property in CFD No. 2005-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner provided.

WHEREAS, the City Council provided for the future annexation of certain territory to the District to be included in CFD No. 2005-1; and

WHEREAS, the developers of several residential developments and subdivisions (the "Project") as part of each Project's conditions of approval and/or Development Agreements and subsequent agreements with the City, have agreed to annex certain properties to the District pursuant to the formation of the District, as shown on the map labeled Exhibit A attached hereto; and

WHEREAS, the City has prepared for recordation an amendment to the notice of special tax lien, which includes the resolution, description, a map and a description of the rate and method of apportionment of the special tax for the District, a copy of which is attached hereto and fully incorporated herein as Exhibit B.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Milpitas as follows:

Section 1. Findings and Determinations

The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City set forth below.

Section 2. Direction

A. The City Council hereby confirms the annexation of Centria residential Subdivision Tract 9773 (properties), as shown on Exhibit A attached hereto, to City of Milpitas Community Facilities District 2005-1 (Public Services); and

B. The City Engineer is hereby directed to include Terra Serena Subdivision (properties) to the assessment set forth in the engineer's report prepared for the District's fiscal year 2006-2007 annual assessment. In no event shall the annual per-lot assessment exceed the maximum amount authorized by the Fiscal Year 2006-2007 Engineer's Report for the District.

Section 3. Certification

The City Clerk shall certify the adoption of this Resolution.

Section 4.

This Resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Milpitas at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney